

BIGFORK LAND USE ADVISORY COMMITTEE
Approved Minutes Thursday, January 31, 2019
Bethany Lutheran Church – Downstairs

Chairwoman Susan Johnson called the meeting to order at 4:02 p.m.

Present: Committee members: Susan Johnson, Shelley Gonzales, Jerry Sorensen, Chany Ockert and Alex Olson. Public: Two members. Planning and Zoning: Rachel Ezell.

The agenda was adopted (m/s, Sorensen/Olson) unanimous

Approval of draft minutes dated December 20, 2018 (m/s, Gonzales/Ockert) unanimous

Administrator's report and announcements:

Sign-in sheet with e-mail address. Draft minutes and documents are posted on the County website: flathead.mt.gov/planning_zoning. Click on: [meeting information](#).

On January 8, 2019, the county commissioners approved the BLUAC By-laws change. Commissioner Holmquist stated that BLUAC will continue to review Conditional Use Permit applications.

February 11, 2019 is the last day to file with the Election Department for the open positions on BLUAC.

Public Comment:

Lamont Kinkade stated that he has attended several government affairs meetings with the Association of Realtors, and it was asked when was the last time BLUAC had reviewed an application for a subdivision. Committee members estimated that there were no applications in the last five years. Mr. Kinkade stated that with the rising costs of homes and declining available land for homes there will be very little affordable housing. Rachel Ezell stated that BLUAC would be reviewing a subdivision request at the February 21st meeting.

Applications:

FLV-18-06 A request by Advanced Consulting Services, LLC on behalf of Robert & Susan Keenan for a Major Lakeshore Variance to the fill standards of Flathead County Lake and Lakeshore Protection Regulations (FCLR), specifically Sections 4.3F(2)(h)(2), (3), (5), and (6). The applicant is seeking to construct improvements to a 'Modified Dynamic Equilibrium Beach' that was approved by the Corps of Engineers and Flathead County and constructed in 2005. The subject property is located at 300 Holt Drive in Bigfork and is legally described as Tracts 2 and 2D in Section 35, Township 27 North, Range 20 West, P.M.M. Flathead County, Montana.

Staff Report:

Rachel Ezell presented the report. The application is a major variance to the Flathead County Lake and Lakeshore Regulations due to the amount of fill requested for the property. The variance report meets all the criteria of the proposal.

Comment Johnson: It appears that no comments were made by the adjacent property owners.

Comment Olson: There is a concern by the adjacent property owner to the east of the applicant, the Docksteder's, that the 2005 fill on the applicant's property has caused increased erosion on their property. I can ask the property owner if they can attend the Planning Board meeting to state their concern.

Q. Sorensen: What size gravel will be used, and will it be clean? A. Ezell: Larger than ¾ inch crush but not larger than 1 ½ inch gravel and it is required to be clean.

Q. Olson: Will gravel need to be applied in the future? A. Ezell: Yes, the wave action on the lake will continue to partially erode the gravel fill over time.

Comment Sorensen: I managed lakeshore regulations in Lake County for 18 years and erosion on the properties will happen with or without the gravel fill. The use of a breakwater wall or riprap will cause erosion to occur at a faster rate on the neighboring properties. An equilibrium beach will reduce erosion for all the property owners.

A 2005 letter from Dr. Mark Lorang favoring an equilibrium beach versus a breakwater/sea wall was referenced, but also that erosion would naturally occur.

Comment Ockert: The Flathead Land Trust is in support of the equilibrium beach fill.

Comment Sorensen: For clarification, the 2005 letter from Dr. Lorang was in opposition of a sea wall.

Q. Olsen: Will any of the logs be removed from the beach area? A. Ezell: Some may be moved at the time of application but not removed.

Applicant Report:

The applicant nor the applicant's technical advisor attended the meeting.

Public Agency Comments:

None

Public Comment:

Lavon Mooring: Will more gravel wash away into the wetlands? A. Ezell: The application of the gravel reduces erosion of wetlands. The Army Corps of Engineers will not allow gravel in the wetlands.

Property owners have three options in dealing with erosion: breakwater/sea wall and riprap create more damage to neighboring properties from wave action; equilibrium beach fill will reduce impact on neighboring properties.

Q. Sorensen: Does the Army Corps of Engineers need to issue a permit to add more gravel? A. Ezell: This is a refill/maintenance of an existing equilibrium beach, so they do not need a permit from the Army Corps.

Comment Sorensen: I would like to add a condition requiring that the fill be clean gravel. Reply. Ezell: The commissioners will outline this requirement when they consider this application.

Staff Reply:

None

Applicant Reply:

None

Committee Discussion:

A motion was made by Sorensen to add Condition #9 to require that the fill be clean gravel. Ockert seconded the motion, motion passed unanimously. Sorensen stated that of all the alternatives, an equilibrium gravel beach is the best option.

Findings of Fact:

A motion was made by Gonzales and seconded by Sorensen to adopt the Findings of Fact. Motion passed unanimously.

Committee Vote:

A motion to forward a recommendation to the Planning Board to approve FLV-18-06, subject to the amendment to add Condition #9, was made by Sorensen and seconded by Johnson. There were no additional comments. The motion passed unanimously.

The Planning Board will hear the application on February 13, 2019.

Old Business:

Ockert stated she is working with Flathead Community College to find a volunteer recording secretary.

The BLUAC By-laws amendment was approved by the county commissioners on January 8, 2019

New Business:

None

The meeting was adjourned at 4:32 p.m.

Respectfully submitted by:

Shelley Gonzales, acting secretary